

**REMARKS**

By this Amendment, claims 1-13 are canceled and claims 14-25 are added.

Accordingly, claims 14-25 are pending in this application. Support for new claims 14-25 may be found, for example, in original claims 1-13. Thus, no new matter is added. Reconsideration of the application is respectfully requested.

**I. Allowable Subject Matter**

Applicants gratefully acknowledge that the Office Action indicates that claims 10 and 11 include allowable subject matter. New claims 22 and 23 incorporate all of the features of allowable claims 10 and 11, respectively.

**II. Drawing Corrections**

The Office Action does not object to the drawings. However, Applicants correct Fig. 6 in the attached Replacement Drawing Sheet to label an annular protuberance 500, as described in the specification and shown in the figure.

**III. Specification Objections**

The Office Action objects to the specification and Abstract because of informalities. The specification is amended, and the Abstract is replaced with a substitute Abstract, to correct informalities. Accordingly, reconsideration and withdrawal of the objections are respectfully requested.

**IV. Claim Objection**

The Office Action objects to claims 1-13 because of informalities. The rejection is moot in view of the cancellation of claims 1-13. The features of canceled claims 1-13 are incorporated into new claims 14-25. Although the new claims are revised to correct various informalities, the claims are not narrowed by this Amendment. Accordingly, reconsideration and withdrawal of the objection is respectfully requested.

**V. Rejection Under 35 U.S.C. §112, Second Paragraph**

The Office Action rejects claims 1-13 under 35 U.S.C. §112, second paragraph, as indefinite. Specifically, the Office Action asserts that certain features of the claims are unclear. The rejection is also moot in view of cancellation of claims 1-13. Further, it is respectfully submitted that new claims 14-25 fully comply with 35 U.S.C. §112. It is respectfully submitted that the claims are not narrowed. Accordingly, reconsideration and withdrawal of the rejection are respectfully requested.

**VI. Rejection Under 35 U.S.C. §102(e)**

The Office Action rejects claims 1-8, 12 and 13 under 35 U.S.C. §102(e) over U.S. Patent No. 6,439,330 to Paye. Applicants respectfully traverse the rejection.

Claim 14 incorporates the features of canceled claims 1 and 4. It is respectfully submitted that Paye does not disclose, teach or suggest a safety device including "the locking device including two complementary shapes that cooperate with one another to lock the lifting mechanism, one of the complementary shapes being secured to the lifting mechanism and another of the complementary shapes being secured to a part that is fixed with respect to the vehicle," and as recited in independent claim 14.

The Office Action asserts that Paye discloses a safety device including a "device for locking 30 the lifting mechanism 26, 38, 36 [that] consists of two complementary shapes 38, 30 able to collaborate with one another to lock the lifting mechanism, one of these shapes being secured to the lifting mechanism [38] and the other 30 secured to a part that is fixed with respect to the vehicle." See Figs. 1-3. Notwithstanding these assertions, Paye does not disclose, teach or suggest the locking device including two complementary shapes that cooperate with one another to lock a lifting mechanism, one of the complementary shapes secured to the lifting mechanism and another of the complementary shapes secured to a part that is fixed with respect to the vehicle, as set forth in claim 14.

Paye discloses a vehicle hood deployment device for lifting a hood 14 of a motor vehicle in the event of a collision. The safety device includes a lifting mechanism comprising a hinge arm 26 having a slide end 26a and a pivot end 26b. The safety device also includes an actuator 36 powered by any appropriate means to drive a piston or other movable member. See Fig. 3, and col. 3, lines 52-55.

Paye also discloses that the actuator 36 includes a piston 38 that engages the hinge arm 26 in operation. See col. 3, lines 45-51. When the actuator 36 is activated, the piston 38 is moved from a retracted condition, as shown in Fig. 2, to drive the hinge arm 26 causing the hinge arm 26 to rotate about the slide end 26a and the pivot end 26b to lift the hood 14 to a raised position. See Fig. 3, and col. 3, line 66-col. 4, line 6. As shown in Fig. 3, the slide end 26 of the hinge arm 26 slides along the track 24. See Figs. 1-3.

Further, Paye discloses a lock pin 30 that passes through the hinge assembly 16 immediately above the hinge arm 26 to prevent the trailing edge of the hood from being lifted by blocking rotation of the hinge arm 26 about the slide end 26a as long as the slide end 26a remains adjacent to a forward end of a track 24. See Figs. 1-3, and col. 3, lines 24-29. Therefore, the lock pin 30 acts to limit the rotation of the hinge arm 30 about the slide end 26a when various surfaces of the hinge arm 26 contact the lock pin 30. However, the lock pin 30 and the hinge arm 26 are not complementary shapes that cooperate with each other as there is nothing complementary about the surfaces of the pin 30 and the arm 26.

In the safety device of claim 14, a locking device includes two complementary shapes that cooperate with one another to lock a lifting device. For example, as shown in Figs. 1-5, the locking device includes a second leg 202 of the link rod 20 having an extending flange portion with a notch 203. The locking device also includes a rivet 204 shaped as a stem portion and a head portion. The notch 203 of the second leg 202 is a complementary shape to receive and engage the stem of the rivet 204. See Figs. 1-3. Paye does not disclose, teach or

suggest any such complementary shapes cooperating with one another to lock a lifting mechanism, as set forth in claim 14.

Therefore, it is respectfully submitted that claim 14 is patentable over Paye. Claims 15-25 depend from claim 14, and thus are also patentable over Paye for at least the reasons set forth above, as well as for the additional features they recite. Accordingly, reconsideration and withdrawal of the rejection are respectfully requested.

**VII. Rejection Under 35 U.S.C. §103(a)**

The Office Action rejects claim 9 under 35 U.S.C. §103(a) over Paye in view of U.S. Patent No. 5,358,275 to Fohl. Claim 21 incorporates the features of canceled claim 9.

As discussed above, Paye does not disclose, teach or suggest a safety device including "the locking device including two complementary shapes that cooperate with one another to lock the lifting mechanism, one of the complementary shapes being secured to the lifting mechanism and another of the complementary shapes being secured to a part that is fixed with respect to the vehicle," and as recited in independent claim 14.

Fohl does not remedy the deficiencies of Paye. Fohl is directed to an energy converter and restraining systems for vehicle occupants. See Fig. 1 and Abstract. Because Fohl also does not teach or suggest a locking device including two complementary shapes that cooperate with one another to lock a lifting mechanism, neither Paye nor Fohl, alone or in combination, teaches or suggests the safety device of claim 14.

Therefore, claim 14 would not have been rendered obvious by Paye in view of Fohl. Claim 21 depends from claim 14, and thus also would not have been rendered obvious by Paye in view of Fohl for at least the reasons set forth above, as well as for the additional features they recite. Accordingly, reconsideration and withdrawal of the rejection are respectfully requested.

**VIII. Conclusion**

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance of claims 14-25 are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned representative at the telephone number set forth below.

Respectfully submitted,



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WPB:HNM/ale

Attachments:

Replacement Sheet (Figs. 5 and 6)  
Substitute Abstract

Date: March 17, 2005

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**Amendments to the Drawings:**

The attached replacement drawing sheet makes changes to Fig. 6 and replaces the original sheet with Figs. 5 and 6.

Attachment: Replacement Sheet